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MISCELLANEOUS DOCUMENTS

Operations Plan, Team Lancaster Detective Bureau / Robbery Suppression Team, File #915-21032-1132-032, dated January 12, 2016, authored by Detective [redacted] #[redacted]

Lancaster Station In-service, dated January 12, 2016, PM shift

Los Angeles County Sheriff's Department Request for Confidential Medical Information/Records, Inmate Jeremy James, Booking Number 4570236, dated October 30, 2018

Antelope Valley Hospital, Authorization for Use or Disclosure of Health Information for Suspect Jeremy James, refusal witnessed by Correctional Officer [redacted] dated October 30, 2018

Los Angeles County Sheriff's Department Training records for Detective Keeling

Los Angeles County Sheriff's Department Training records for Detective Edwards

Administrative Rights Force/Shooting Investigation form and aerial Google map of incident area, for Detective Edwards

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Jeremy Anthony James
J.S.I.D. File #16-0019
L.A.S.D. File #016-00618-1121-055

DATE: March 29, 2018

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the January 12, 2016, non-fatal shooting of Jeremy Anthony James by Los Angeles County Sheriff's Department (LASD) Detectives Christopher Keeling and Jeremi Edwards. We have determined that Detectives Keeling and Edwards acted in lawful self-defense and the defense of another when they fired their duty weapons.

The District Attorney's Command Center was notified of this shooting on January 12, 2016, at approximately 7:24 p.m. The District Attorney Response Team responded to the location of the shooting where they received a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, a video, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

A string of four robberies began on November 27, 2015, and continued through January 5, 2016, in Lancaster. On January 12, 2016, LASD's Robbery Suppression Team, who had been investigating these robberies, arranged a meeting with a potential suspect to "buy" a car advertised for sale on Craigslist. The Robbery Suppression Team had previously identified two potential suspects, neither of which was Jeremy Anthony James.

On January 12, 2016, Keeling and Edwards were assigned to Operation Safe Streets Bureau, and were tasked to assist in surveilling and providing cover to the Robbery Suppression Team's operation. Edwards and Keeling were both dressed in plain clothes and working in an undercover capacity. Edwards was driving an undercover sport utility vehicle, a Nissan Pathfinder, and Keeling was seated in the front passenger seat.

After conducting surveillance at one containment location, Edwards drove to a second containment location on West Avenue H-14, and parked facing east on the south curb, just west of 11th Street West. Edwards turned the engine off, and the windows of the Pathfinder were closed. Shortly after dusk, Edwards and Keeling saw an individual they had seen earlier walking near their first containment location, now walking westbound in their direction. This individual was later identified to be James. James was wearing a gray hoody, and as he approached the Pathfinder from the front, Keeling noted to his partner that James had a bulky object in his center sweatshirt pocket. Edwards removed his service weapon from his holster and placed it on his lap. James walked past the Pathfinder on the passenger side to the rear. The detectives did not make eye contact with James. Several seconds later, Keeling observed James standing at the front driver side window of the Pathfinder, and directed Edwards' attention to James. Edwards saw James pointing a black semiautomatic handgun at him with the barrel inches away from the glass. Neither Edwards nor Keeling heard James make any statements. Keeling yelled, "417! Gun! Gun!"[1] Keeling and Edwards each stated they feared for their lives, and both simultaneously fired several rounds[2] at James through the front driver side window, shattering it.

After the shooting stopped, Keeling immediately exited his passenger side door and momentarily lost sight of James. Keeling saw that James was not down on the ground, and then he looked up and saw James running westbound. Edwards, panicked and unfamiliar with the Pathfinder, was unable to open his driver side door in the immediate aftermath of the shooting. Unaware of James' location, and still concerned for his safety, Edwards crawled out the passenger side of the car. Keeling broadcasted over the police radio that shots were fired and James' direction of travel. Both detectives saw what they believed to be a semiautomatic firearm on the concrete just north of their car, several feet from the driver side window.



Pathfinder parked on south curb pointing eastbound.

[1] Penal Code section 417 is the statute that makes brandishing a firearm a crime.
[2] Edwards and Keeling both fired 9mm rounds from their service weapons. A total of twelve 9mm cartridge casings were recovered at the scene.



Location of BB gun in relation to Pathfinder.



Shattered driver side window of Pathfinder.

After the shooting, James ran west on West Avenue H-14 and north on Kingtree Avenue. James ran into the rear yard of a residence on Kingtree Avenue and over the rear fence, into the backyard of a residence on 11th Street West. Shortly thereafter, LASD deputies discovered James laying facedown and they arrested him. Deputies observed gunshot wounds to his chest and provided emergency first aid while waiting for the paramedics.[3] James was transported to the hospital and treated for multiple gunshot wounds to his chest, right forearm, and right hand. James survived his injuries.

[3] LASD personnel recorded a video capturing LASD personnel providing first aid to James, who was conscious and breathing. The video also shows paramedics arriving at scene and providing aid as well.

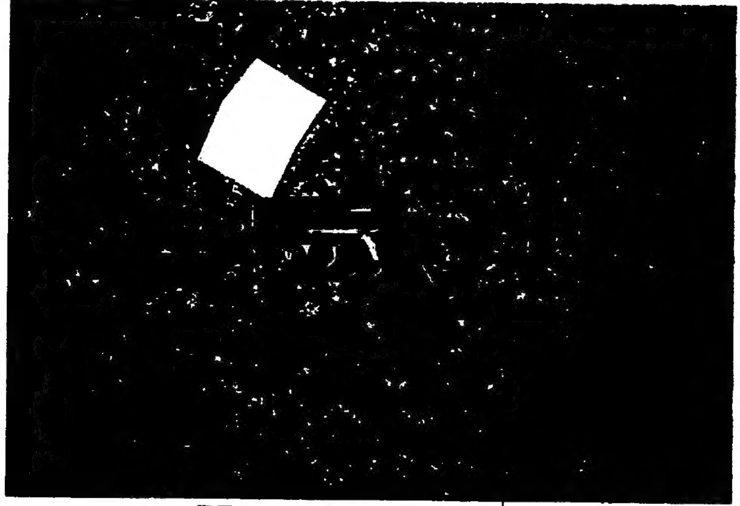
Statement of Jeremy Anthony James

On January 28, 2016, LASD Detectives interviewed James, who was still recovering at the hospital. When asked if he remembered the incident, James stated, "Yes, I tried to steal from one of your deputies." James stated that he was armed with a BB gun, and he was going to rob the deputies, but he was unaware at the time they were law enforcement personnel. He also stated that when he walked up to the driver's door, he pointed the BB gun with his left hand, and the deputies immediately began shooting at him.

James also admitted to committing two of the four robberies LASD was investigating leading up to their operation on January 12, 2016.[4]

Other evidence

James' handgun was recovered, examined, and determined to be a BB gun. Its orange tip was completely painted black.



BB gun recovered at scene.

James was charged in case number MA067818 with the three counts of robbery stemming from two separate incidents, and two counts of attempted robbery against Keeling and Edwards. He pled guilty to two counts of robbery and was sentenced to five years in state prison. As part of the plea agreement, the attempted robbery counts were dismissed.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

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[4] Evidence subsequently recovered at James' home after the officer involved shooting also linked him to the two robberies he admitted committing.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505. "If the [person's] beliefs were reasonable, the danger does not need to have actually existed." Id.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146, holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position. [Citations omitted] [the jury should consider all relevant circumstances surrounding the defendant's conduct]. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard."

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight… The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

The evidence examined in this investigation shows James armed himself with a BB gun, that had its orange tip painted black to resemble a real semiautomatic firearm. Unaware that Keeling and Edwards were law enforcement officers, James targeted them to commit a robbery. Keeling and Edwards saw James walk past their Pathfinder, but were caught off guard when he circled their car and reappeared at the driver side window.

Both Keeling and Edwards saw James point his BB gun at Edwards, inches away from the driver side window, which was closed. Reasonably in fear for their lives and forced to make split-second decisions, they both fired their service weapons at James shattering the driver side window and striking James several times.

We find that Keeling and Edwards' use of deadly force was reasonable to stop what they reasonably believed to be a deadly threat. We find that Detectives Keeling and Edwards acted both in lawful self-defense, and the defense of each other when they used deadly force against Jeremy James. We are closing our file and will take no further action in this matter.